

IN THE UNITED STATES DISTRICT FOR
THE SOUTHERN DISTRICT OF OHIO
DAYTON DIVISION

JOSHUA ROBERTS and
DEBORAH CHONG, individually
and on behalf of **N.R.**, their Minor
Child,

Plaintiffs

vs.

UNITED STATES OF AMERICA,

Defendant

NO. 3:19-CV-00202-TMR

**PLAINTIFFS' UNOPPOSED MOTION TO APPROVE
SETTLEMENT**

Plaintiffs' move the Court to approve settlement in the above-styled matter. This Court has the legal and factual basis to approve the settlement agreed to by the parties where N.R., a minor, is a party.

First, the Court has the legal basis to approve the settlement between the parties. Federal courts routinely approve settlements in FTCA cases involving minors. *E.g., Kile v. United States*, 915 F.3d 682, 684–85 (10th Cir. 2019), *as corrected* (Feb. 15, 2019); *Hernandez v. United States*, No. 3:19-CV-1457-AHG, 2020 WL 6044079, at *5 (S.D. Cal. Oct. 13, 2020); *Shaw v. United States*, No. CIV 17-0147 JB/LF, 2018 WL 3598513, at *10 (D.N.M. July 26, 2018). Federal courts approve such settlements by ensuring that it is in the best interests of the minor. *Id. See also Meyers v. United States*, No. 6:13-CV-

1555-ORL, 2014 WL 5038585, at *3–4 (M.D. Fla. Sept. 29, 2014); *A. M. L. v. Cernaiyanu*, No. LACV1206082JAKRZX, 2014 WL 12588992, at *3 (C.D. Cal. Apr. 1, 2014).

Second, approving the settlement is in the best interests of N.R. Here, the Court-appointed Guardian Ad Litem authored his report after reviewing the case file. The Guardian Ad Litem’s report recommends approval of the proposed settlement and is incorporated by reference (ECF No. 18, 18-1, 18-2).

Currently, N.R.’s parents manage and support him. Given N.R.’s injuries, the Guardian Ad Litem and the Roberts Family believe that approving the settlement is in the best interests of N.R. The Government does not oppose this motion. Accordingly, the Plaintiffs’ will email the Court an order for the Court’s consideration and entry. The settlement is still subject to final review and approval by the Attorney General or his designee and their authorization for the attorney representing the United States to consummate the settlement.

Respectfully Submitted,

/s/ Jamal K. Alsaffar

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CERTIFICATE OF SERVICE

By my signature above, I certify that a copy of this pleading, Plaintiffs' Motion, has been sent to the following on March 25, 2021 via the Court's CM/ECF notice system.

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